

REMARKS

Petition for Extension of Time Under 37 CFR 1.136(a)

It is hereby requested that the term to respond to the Examiner's Action of April 20, 2007 be extended one month, from July 20, 2007 to August 20, 2007.

Authorization to charge a Credit Card is given to cover the extension fee. The Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 19-5425.

I. STATUS OF CLAIMS

In the Office Action, the Examiner indicated claims 1-5, 11, 13, 14, 18-24 and 31-42 are pending, and the Examiner rejected all claims.

II. PRIOR ART CLAIM REJECTIONS

In the Office Action, the Examiner rejected claims 1-5, 11, 13, 14, 18-24 and 31-37 under 35 U.S.C. §103(a) as being unpatentable over McCoskey et al. (U.S. Patent Application No. 2003/0028889, hereinafter referred to as McCoskey) in view of Ogawa et al. (U.S. Patent No. 6,314,571, hereinafter referred to as Ogawa). Specifically, on page 3 of the Office Action, the Examiner states (emphasis original):

McCoskey clearly teaches a system providing video on demand services from a plurality of incompatible VOD systems. **(Fig. 1: The system 200 provides VOD services from a plurality of incompatible devices, [0045])**

transmitting to each of the plurality of incompatible VOD systems a request for a respective list of all currently available VOD assets; **(Fig. 4: Search engine server 350 periodically requests information on all available programming from the remote sources, [0065])**

aggregating the translated lists of all currently available VOD assets to form a combined list of available VOD assets, the combined list of available VOD assets being adapted to be compatible with a plurality of receiver stations. **(Fig. 10:**

Aggregator local database 501 contains all the remote content database 261 which stores a catalog of all local content stored in each of the remote databases, [0079]-[0080].)

Although the Examiner states McCoskey fails to disclose receiving each list in a different protocol and translating the lists into a generic protocol, he indicates that Ogawa teaches this limitation. In response to the rejections presented by the Examiner, applicants respectfully disagree and present the following arguments.

A. McCoskey Fails to Disclose Providing Video from a Plurality of Incompatible Video on Demand Systems

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. As currently pending, independent claim 1 recites as follows (emphasis added):

In a system providing video on demand (VOD) services via any of a plurality of *incompatible* VOD systems, a VOD gateway method comprising: transmitting to each of the plurality of *incompatible* VOD systems a request for a respective list of all currently available VOD assets

Each additional independent claim (claims 11, 18, 31 and 37) states a form of this limitation. By having a single gateway that is able to communicate with a plurality of incompatible VOD systems, multiple incompatible VOD systems can be combined to form a single repository for VOD assets without having to reprogram each VOD system to communicate via a single protocol. Rather, the single gateway is programmed to process all protocols used by the VOD assets (as is further claimed in each independent claim).

In the disclosure of McCoskey, the system does not include a plurality of incompatible

VOD systems. Rather, McCoskey includes a series of storage servers that each communicate using a single protocol. A simple aggregator (aggregator 201 of Figure 2 of McCoskey, for example) is used to communicate with all the content servers and determine if any of the servers are storing content requested by a user. However, each of these servers stores the content in an identical manner for delivery to a client. Additionally, each server uses the same protocol for communicating with the aggregator. The Examiner acknowledges this when stating McCoskey fails to disclose communicating in multiple protocols. Nothing in McCoskey discloses that the content servers are incompatible systems, and in fact, the simple functions of the aggregator (e.g., using a single protocol for communication between all servers) teaches away from incompatible systems. In contrast, the presently claimed invention specifically recites incompatible VOD systems utilizing multiple protocols.

This difference is not satisfied by McCoskey in combination with Ogawa. Ogawa is concerned with delivering an electronic program guide to a user and is silent on the concept of incompatible video on demand systems. Without a disclosure of all claim limitations being taught or suggested by McCoskey and Ogawa, independent claims 1, 11, 18, 31 and 37 (and all claims depending therefrom) patentably define over McCoskey in view of Ogawa. Therefore, the Examiner is respectfully requested to reconsider and withdraw the rejection.

B. McCoskey Fails to Disclose Requesting a List of All Currently Available Video on Demand Assets

As noted above, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. As currently pending, independent claim 1

recites “transmitting to each of the plurality of incompatible VOD systems a request for a respective list of *all currently available VOD assets*,” (emphasis added). Each additional independent claim (claims 11, 18, 31 and 37) states a form of this limitation. A single VOD gateway requests a listing of all VOD assets from each VOD system so as to establish a centralized listing of all available VOD assets. This provides a single look-up point for any client using the system to determine if their desired VOD asset is available.

In McCoskey, all VOD search and delivery is initiated by a user request. Rather than maintain a listing of all available VOD assets (as is specifically claimed in the present invention), McCoskey utilizes an aggregator for polling each server when a request is received, and returning any content from the servers that satisfies the request. Referring to Figures 13 through 15b of McCoskey, several flowcharts are shown illustrating embodiments of the system of McCoskey. In each embodiment, the system is initiated with a user request, and the aggregator takes the request and searches the individual servers to find the requested content. However, in each embodiment, no component in McCoskey transmits “a request for a respective list of all currently available VOD assets” as is specifically claimed in the presently claimed invention.

Again, this difference is not satisfied by the addition of Ogawa which is concerned with delivering an electronic program guide to a user and is silent on the concept of requesting a listing of all currently available VOD assets. Without a disclosure of all claim limitations being taught or suggested by McCoskey and Ogawa, independent claims 1, 11, 18, 31 and 37 (and all claims depending therefrom) patentably define over McCoskey in view of Ogawa. Therefore, the Examiner is respectfully requested to reconsider and withdraw the rejection.

III. CONCLUSION

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted,
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by:

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Date

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